

1 JAMES H. WOODALL (NV Bar #3847)
2 WOODALL & WASSERMANN
3 10653 River Front Pkwy, Ste 290
South Jordan, Utah 84095
Telephone (801) 254-9450
Facsimile (801) 254-9451
email: jw@utahtrustee.com
5

6 Nevada Office
7 8275 South Eastern Avenue
Las Vegas, Nevada 89123
Attorneys for Secured Creditor
8

9 **UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

10 **In re:**

11 **LINN A. MCKAY and**
12 **ANGELINA R. MCKAY,**
13 **Debtors.**

Case No.: BK-S-08-23608 bam
Chapter 13

**OBJECTION TO CONFIRMATION OF
DEBTORS' CHAPTER 13 PLAN #2**

Date: September 17, 2009
Time: 1:30 pm

16 **OBJECTION TO CHAPTER 13 PLAN #2**

17 Pursuant to Rule 3015 of the Federal Rules of Bankruptcy Procedure, US Bank
18 National Association ("US Bank") objects to the Chapter 13 Plan #2 filed by Debtors on July 23,
2009 as Debtors' plan fails to adequately provide for US Bank's claims. In support of its
21 objection, US Bank Alleges as follows:
22

23 **BACKGROUND**

24 On February 3, 2009, Docket entry 21, Debtors objected to Claim 1-1 filed by US
25 Bank and requested that \$78,025 of US Bank's Claim be reclassified "as a general unsecured claim
26 to receive pro rata with other general unsecured claims..."
27
28

However, debtors' Plan #2 makes no allowance for any payments to pay the reclassified \$78,025 unsecured claim.

WHEREFORE, Creditor respectfully requests:

1. That confirmation of debtors' Chapter 13 Plan be denied; or, in the alternative;
 2. The debtors be required to provide for the repayment of the unsecured debt to US Bank National Association ND as argued by debtor in their Objection, to US Bank's Claim No. 1-1 and Request for Reduction of Claim.

Dated: August 28, 2009

/s/ James H. Woodall
JAMES H. WOODALL
Attorney for secured creditor

1
2 **CERTIFICATE OF SERVICE**
3

4 I certify that I transmitted a true and correct copy of the foregoing Objection To
5 Confirmation Of debtors' Chapter 13 Plan #2 on August 28, 2009 to the listed recipients. Unless
6 otherwise noted, mailings were by regular U.S. mail, postage prepaid:
7

8 Linn A. McKay
9 1852 Wellington Court
10 Henderson, Nevada 89014
11

12 Angelina R. McKay
13 1852 Wellington Court
14 Henderson, Nevada 89014
15

16 Rick A. Yarnall
17 701 Bridger Ave., #820
18 Las Vegas, Nevada 89101
19

20 Elizabeth R. Deflyer
21 Haines & Kreiger
22 1020 Garces Avenue
23 Las Vegas, Nevada 89101
24

25 _____
26 /s/ James H. Woodall
27
28